

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEVIN JAMES LISLE,

Petitioner,

v.

RENEE BAKER, et al.,

Respondents.

Case No. 2:03-cv-01006-MMD-CWF

ORDER

In this capital habeas corpus action, on March 25, 2013, the petitioner, Kevin James Lisle, filed a second amended petition (dkt. no. 129). Therefore, in light of that filing, and in light of the representations of counsel at the status conference held on January 23, 2013 (see Amended Minutes of Proceedings, dkt. no. 121), the Court, in this order, sets a schedule, as follows, for further litigation of this action.

IT IS ORDERED:

1. **Response to Petition.** Respondents shall have until and including May 31, 2013, to file and serve an answer or other response to the second amended petition (dkt. no. 129).

2. **Reply and Response to Reply.** Petitioner shall have forty-five (45) days following service of an answer to file and serve a reply. Respondents shall thereafter have thirty (30) days following service of a reply to file and serve a response to the reply.

3. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner shall have thirty (30) days following service of the motion to file and serve an

1 opposition to the motion. Respondents shall thereafter have thirty (30) days following
2 service of the opposition to file and serve a reply.


3 4. **Discovery.** If petitioner wishes to move for leave to conduct discovery,
4 petitioner shall file and serve such motion concurrently with, but separate from, the
5 response to respondents' motion to dismiss or the reply to respondents' answer. Any
6 motion for leave to conduct discovery filed by petitioner before that time may be
7 considered premature, and may be denied, without prejudice, on that basis.
8 Respondents shall file and serve a response to any such motion concurrently with, but
9 separate from, their reply in support of their motion to dismiss or their response to
10 petitioner's reply. Thereafter, petitioner shall have twenty (20) days to file and serve a
11 reply in support of the motion for leave to conduct discovery. If the Court grants
12 petitioner leave to conduct discovery, the Court will then establish time limits for the
13 completion of the authorized discovery.

14 5. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary
15 hearing, petitioner shall file and serve a motion for an evidentiary hearing concurrently
16 with, but separate from, the response to respondents' motion to dismiss or the reply to
17 respondents' answer. Any motion for an evidentiary hearing filed by petitioner before
18 that time may be considered premature, and may be denied, without prejudice, on that
19 basis. The motion for an evidentiary hearing must specifically address why an
20 evidentiary hearing is required, and must meet the requirements of 28 U.S.C. § 2254(e).
21 The motion must state whether an evidentiary hearing was held in state court, and, if so,
22 state where the transcript is located in the record. If petitioner files a motion for an
23 evidentiary hearing, respondents shall file and serve a response to that motion
24 concurrently with, but separate from, their reply in support of their motion to dismiss or
25 their response to petitioner's reply. Thereafter, petitioner shall have twenty (20) days to
26 file and serve a reply in support of the motion for an evidentiary hearing.

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DATED THIS 29th day of March 2013.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE